IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

MONDAY, THE 17TH DECEMBER 2007 / 26TH AGRAHAYANA 1929

WP(C).No. 37216 of 2007(E)

PETITIONER:

MEENA KURUVILLA,
W/O.MR.T.T.KURUVILLA, AGED 50 YEARS,
THOTTATHIL HOUSE, VAZHICERRY WARD,
ALLEPPEY - 7688 001.

BY ADV. SRI.V.SANTHARAM

RESPONDENT:

THE CORPORATION OF KOLLAM,
KOLLAM, REPRESENTED BY ITS SECRETARY.

BY SRI.M.K.CHANDRA MOHANDAS, SC.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 17/12/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

PIUS C. KURIAKOSE, J.

W.P.(C) No. 37216 OF 2007

Dated this the 17th day of December, 2007

JUDGMENT

I do not propose to go into merits of the matter. But, to Ext.P5 provisional order, issued under Section 406(2), the petitioner has submitted Ext.P6 explanation. The grievance now voiced by the petitioner is that even before the proceedings are finalised, the Corporation is about to remove the allegedly objectionable structures put up by the petitioner. Sri.M.K.Chandra Mohandas, Standing Counsel takes notice.

Having regard to the submissions of Sri.V.Santharam, counsel for the petitioner and those of Sri.Chandra Mohandas, the Writ Petition will stand disposed of at this stage itself issuing the following directions:

The Corporation will finalise the proceedings as per Exts.P4 and P5 by taking into account Ext.P6 and after hearing the petitioner at the earliest and at any rate within one month of receiving copy of this judgment. Once orders are passed, the same will be communicated to the petitioner. If the orders to be passed are against the petitioner, the same will not be implemented for another one month so as to enable the petitioner to pursue his statutory remedies.

PIUS C. KURIAKOSE, JUDGE

btt